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July 29, 2013

RECEIVED

JUL 31 2013

PUBLIC SERVICE  
COMMISSION

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

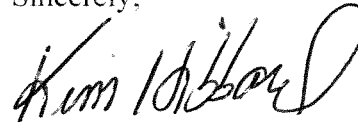
**Re: Application of Big Rivers Electric Corporation for an Adjustment  
of Rates; Case No. 2013-00199**

Dear Mr. Derouen:

Please find enclosed the original and twelve (12) copies of a Petition for Full Intervention of the International Brotherhood of Electrical Workers Local 1701 for filing in the above-referenced matter. We have served copies on the parties listed on the Certificate of Service.

Please call if you have any questions.

Sincerely,



Kimberly Hibbard  
Legal Assistant/Paralegal

KH:bms

cc: Counsel of Record

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED

JUL 31 2013

PUBLIC SERVICE  
COMMISSION

**In the Matter of:**

**APPLICATION OF BIG RIVERS ELECTRIC )  
CORPORATION FOR AN ADJUSTMENT )     **CASE NO: 2013-00199**  
OF RATES )**

**PETITION FOR FULL INTERVENTION OF THE**  
**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS**  
**LOCAL 1701**

Pursuant to K.R.S. §278.040(3) and §278.310 and 807 KAR 5:001 Section 4(11), the International Brotherhood of Electrical Workers Local 1701 (“Local 1701” or “the Union”) requests that it be granted full intervenor status in the above-captioned proceeding and states in support thereof as follows:

**Facts**

1. Local 1701 is a labor union that is the bargaining agent for nearly 300 Big Rivers Electric Corporation (“Big Rivers”) employees who operate and maintain power generating stations at issue in this matter.
2. The main office of Local 1701 is located at 2911 W. Parrish Ave, Owensboro, KY 42301.
3. The attorneys for Local 1701 authorized to represent it in this proceeding and to take service of all documents are:

David O’Brien Suetholz  
Neal B. Hayes  
Kircher Suetholz & Grayson PSC  
515 Park Avenue  
Louisville, KY 40208  
Tel: (502) 636-4333

## Petition

807 KAR 5:001 Section 4(11)(b) requires this Commission to grant intervenor status to a person if it finds either 1) that the person “has a special interest in the case that is not otherwise adequately represented” or 2) that “intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” Local 1701 satisfies both conditions. It has a special and not otherwise adequately represented interest in this case. Its intervention is likely to present issues and develop facts that assist the commission in fully considering Big Rivers’s rate adjustment application, and it will not unduly complicate or disrupt the proceedings. Accordingly, the Union requests that the Commission grant it intervenor status.

**A. Local 1701 has a special interest in this case that is not otherwise adequately represented.**

According to 807 KAR 5:001 Section 4(11)(a), intervenors in proceedings before this Commission must possess and express an interest in either the rates or services of a utility. Local 1701 has a special interest in the services of Big Rivers. The Union’s members will be performing the maintenance and operational work Big Rivers is proposing in its application, so Local 1701 has a special interest in both Big Rivers’s labor costs. Further, Big Rivers is proposing potentially idling plants with employees currently represented by Local 1701. Projected costs associated with severance packages are pure speculation without the input of Local 1701. Local 1701 has obligations under both its collective bargaining agreement (CBA) with Big Rivers and the National Labor Relations Act to protect the benefits, wages, and employment conditions for the workers who will be implementing Big Rivers’s proposed mitigation plans. Big Rivers’s application for a rate adjustment could limit the compensation and working conditions the Company is able to offer its maintenance and operational workers. It

might even affect whether the Company is able to continue employing some of those workers. Only Local 1701 is interested in how the projected labor costs in the Big Rivers application will affect the workers who perform that labor.

No other party or intervenor can adequately represent Local 1701's interest in the workforce and labor costs of Big Rivers. In the proceedings on Big Rivers's last application to this committee, PSC Case Number 2012-00535, the Attorney General submitted interrogatories about labor costs, and Big Rivers provided answers. But at the hearing before the PSC, which Local 1701's counsel attended, the representative from Big Rivers admitted that these figures were "just projections" because it required negotiations with Local 1701. Only Local 1701 possesses the specific knowledge to help the Commission evaluate and adjust these projections.

The labor costs of Big Rivers depend on the CBA, which, like any contract, contains ambiguities. The only way to resolve those ambiguities is to look at the parties' bargaining history and past practices. Local 1701 possesses knowledge about that history and those practices. No other potential intervenor does.

Nor does any party understand Local 1701's long-term strategies and goals for bargaining with Big Rivers. These strategies and goals will be crucial to helping the Commission develop a more precise estimate of the labor costs facing Big Rivers as it adjusts its rates. Those costs depend not only on the current CBA between Big Rivers and Local 1701 but on future CBAs, which the Act binds Big Rivers to negotiate in good faith with the Union. This collective-bargaining process gives Local 1701 the ability to affect the labor costs of Big Rivers. Because none of the other potential intervenors have that ability, none of them will be able to adequately represent the issues.

**B. Local 1701's intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter.**

Local 1701 plans to file affidavits and data requests focusing on the effects of Big Rivers's application on its labor costs and benefit obligations. These filings will reflect the Union's special knowledge of the bargaining history and past practices of Big Rivers. Consequently, they will assist the Commission in determining whether Big Rivers's labor-cost projections are accurate and complete. This determination will also help the Commission consider the ultimate issues: whether the proposed rate adjustment of Big Rivers is both feasible and fair to the community.

The Union can only make this important contribution if it has intervenor status. The ability to make comments would not be sufficient. In order to put its knowledge to full use, the Union must have permission to file data requests. Merely commenting on the information Big Rivers provides would be insufficient; the Union must be able to seek its own information.

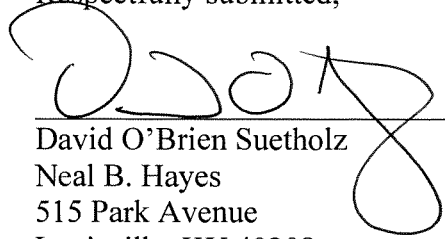
**C. Local 1701's intervention will not unduly complicate or disrupt the proceedings.**

Local 1701 would represent a crucial, but limited, interest in this proceeding. Because its participation will be limited to the discrete issue of financial obligations to Big Rivers workers, the Union will not unduly complicate or disrupt the proceedings. It also will not unduly complicate or disrupt the proceedings because it will be represented by experienced counsel, who will guide the Union expediently throughout the proceedings.

**Conclusion**

Because its intervention would satisfy all the requirements described in 807 KAR 5:001 Section 4(11), the IBEW Local 1701 requests that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D O Brien Suetholz", written over a horizontal line.

David O'Brien Suetholz

Neal B. Hayes

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Louisville, KY 40208

Tel: (502) 636-4333

Fax: (502) 636-4342

**Counsel for IBEW Local 1701**

## CERTIFICATE OF SERVICE

A copy of the foregoing Petition for Full Intervention has been served by United States mail on the following persons this the 21 day of July, 2013:

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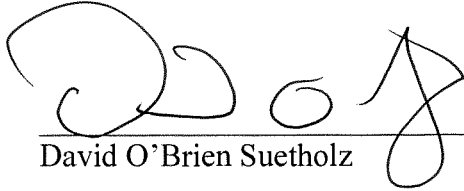
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